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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDGAR SOLIS,
Plaintiff,
vs.
STATE OF CALIFORNIA; and
MICHAEL BELL,
Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[Honorable Hernán D. Vera]
Magistrate Judge Jean P. Rosenbluth

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION IN LIMINE
No. 1 TO EXCLUDE
INFORMATION UNKNOWN**

Hearing on Motions in Limine:

October 1, 2024 at 09:00 a.m.

Final Pretrial Conference:

October 8, 2024 at 10:00 a.m.

Jury Trial

October 29, 2024 at 09:00 a.m.

Ctrm: 10D

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Having reviewed Plaintiff's Motion *in Limine* No. 1 to Exclude Information
3 Unknown, and GOOD CAUSE appearing therein, Plaintiff's Motion is HEREBY
4 GRANTED that it is excluded from evidence, testimony, argument, or reference at
5 trial any information unknown to Defendant Officer Michael Bell at the time of his
6 uses of deadly force, including:

- 7 a) Substance Use History (drug, tobacco, or alcohol use or possession) by
8 Plaintiff at any time, including on the date of the shooting and prior to
9 the date of the shooting, assumptions or opinions of or based on past
10 drug use based on behavior; and the post-incident toxicology results.
- 11 b) Criminal History of Plaintiff, including prior arrests; prior convictions;
12 prior and post-incident charges filed not resulting in conviction; post-
13 incident charges filed resulting in conviction; any other contacts with
14 law enforcement; any times in custody or incarcerated; and any
15 criminal history including detail about unrelated incidents not listed in
16 the BOLO report.
- 17 c) Other Wrongs or "Bad Acts" character evidence of Plaintiff, including
18 any inference to gang affiliation; any unrelated wrongs from other
19 individuals such as other incidents in the area or neighborhood; and any
20 criminal history of Plaintiff's brother.
- 21 d) After-Acquired Investigatory Reports and Information obtained by law
22 enforcement after the incident, that was not known to Officer Bell at
23 the time of his use of excessive and unreasonable force, including
24 hearsay CHP, RCSD and RCDA reports related to investigation of
25 incident; CHP, RCSD and RCDA findings regarding whether the force
26 was within policy or whether to press criminal charges; OIS briefing
27 audio and report; AGO 1-496; County 9-64 – unless for impeachment
28 or refresh; and whether the gun was loaded or had an expended round.

The basis for this order is that this and any other information unknown to Defendant Officer Bell at the time of his use of deadly force is irrelevant to the analysis as impermissible hindsight evidence; any probative value it may have is substantially outweighed by the substantial risk of unfair prejudice, confusing the issues, wasting time, and misleading the jury; this information constitutes improper character evidence and inadmissible hearsay. Federal Rules of Evidence, Rules 401, 403, 404, 801; *Glenn v. Washington Cnty.*, 673 F.3d 864, 873 (9th Cir. 2011).

10 || IT IS SO ORDERED.

12 | DATED:

Honorable Hernán D. Vera
United States District Judge